

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN P. "JACK" FLYNN
LESLIE A. FLYNN,

Plaintiffs,

- against -

CABLE NEWS NETWORK, INC.,

Defendant.

Case: 1:21-cv-02587-AS-SLC

**NOTICE OF DEFENDANT'S
MOTION TO EXCLUDE
PLAINTIFFS' EXPERT
JESSE BINNALL**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that Defendant Cable News Network, Inc. will move this Court, before the Honorable Arun Subramanian, United States District Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and time as the Court sets, for an order to exclude the proffered expert report, deposition testimony, and any trial testimony of Plaintiffs Jack and Leslie Flynn's expert Jesse Binnall ("Binnall"), pursuant to Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and for such other and further relied as the Court shall deem just and proper. In support of this motion, Defendant relies upon the accompanying (1) Memorandum of Law in Support of Defendant's Motion to Exclude Jesse Binnall, and (2) Declaration of Katherine M. Bolger in Support of Defendant's Motion for Summary Judgment and the exhibits annexed thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the order granting the parties' consent letter-motion for extension of time entered by the Honorable Gregory Woods on August 1, 2023 (ECF No. 165), opposing papers, if any, must be served upon the undersigned on or before

four weeks from the date that the motion for summary judgment is filed or served; and reply papers, if any, must be served no later than two weeks after the date of service of the relevant opposition.

Any oral argument will occur on a date and at a time designated by the Court.

Dated: New York, New York
October 27, 2023

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Katherine M. Bolger
Katherine M. Bolger (N.Y. Bar No. 2976868)
Meenakshi Krishnan (*pro hac vice*)
Lindsey B. Cherner (N.Y. Bar No. 5571534)
Sam F. Cate-Gumpert (*pro hac vice*)
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Telephone: (212) 489-8230
katebolger@dwt.com
meenakshikrishnan@dwt.com
lindseycherner@dwt.com
samcategumpert@dwt.com

Attorneys for Defendant Cable News Network, Inc

TO:

Jason C. Greaves
Binnall Law Group, PLLC
717 King Street, Suite 200
Alexandria, Virginia 22314

Jared J. Roberts
Binnall Law Group, PLLC
717 King Street, Suite 200
Alexandria, Virginia 22314

Anthony C. Carlini, Jr.
Handel & Carlini, LLP
1984 New Hackensack Road
Poughkeepsie, NY 12603